Government of
Saskatchewan

2006-2007
Annual Report

Saskatchewan
Justice

The Freedom of Information
and Protection of Privacy Act

2007-04670/

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This annual report is also available in electronic form from the Department's web site at **www.justice.gov.sk.ca**

Letter of Transmittal

His Honour the Honourable Dr. Gordon L. Barnhart
Lieutenant Governor of Saskatchewan

May it Please Your Honour:

In accordance with Section 63(1) of *The Freedom of Information and Protection of Privacy Act*, I have the pleasure to present the 2006-2007 annual report of the administration of this Act and the regulations within each government institution during the period April 1, 2006 to March 31, 2007.

Respectfully submitted,

Frank Quennell, Q.C.
Minister of Justice and Attorney General

Governing Legislation

The Freedom of Information and Protection of Privacy Act was passed in June 1991 and proclaimed the following year.

The Act applies to all departments, secretariats and similar agencies of the executive government of Saskatchewan. The regulations extend that coverage to a broad range of Crown corporations, boards, commissions and others prescribed as government institutions.

The Act is really "two Acts in one."

First, the Act provides a right of access to records in the possession or control of provincial government institutions.

Second, the Act establishes protection of privacy rules specifying how the government collects and deals with personal information.

The Act applies to records maintained in written, photographic, audio-visual, computer generated and other formats.

Department of Justice Responsibilities

The Department of Justice provides direction and support to government institutions and to the public as it relates to *The Freedom of Information and Protection of Privacy Act*. The Department:

- provides legal advice to government institutions on the Act;
- provides a leadership role within government on access and privacy administration, including the collection of statistical information related to access to information requests and the preparation of this annual report;
- provides or supports training and awareness of access and privacy issues in support of the Act; and
- prepares and maintains access and privacy tools, such as guidelines, checklists and administrative procedures.

Institutions' Responsibilities

The Act applies individually to each government institution. The "Head" is responsible for decisions under the Act, including responding to applications for access and protecting the privacy of personal information. Under Section 60 of the Act, the "Head" may delegate the powers to one or more officers of the government institution.

Access to Records

The Act gives individuals the right to access records of Saskatchewan government institutions. The Act sets out the rules that govern the process, including:

- how a government institution must respond;
- the collection of fees to prepare the records for response, including when to provide a cost estimate and when the "Head" may waive those fees;
- setting a 30-day time limit for a response (which may be extended in accordance with the Act);
- identifying reasons under the law for which access to all or part of a record may be denied; and
- the right of the applicant to request a review by the Information and Privacy Commissioner in certain circumstances.

Privacy

The Freedom of Information and Protection of Privacy Act further establishes rules for the collection, use and disclosure of personal information by the Government of Saskatchewan and its agencies, thus helping to protect individual privacy.

Reports and Analysis

Introduction to Reports

The Department of Justice collects and reports on statistics generated under the Act. These reports provide statistics both by individual agency or department and by the total provincial government administration.

The statistical reports are included as appendices and include:

Table A – Freedom of Information Statistical Summary Report

- This report provides a government-level overview of access to information requests processed by government institutions. It includes the total number of applications received by government, the status of the applications, the processing time to complete the applications, the fees estimated and fees collected to process requests for the fiscal years 2002-03 through 2006-07.

Table B – Exemptions Used to Deny Access

- This report presents a statistical summary of the exemptions applied to deny access for the fiscal years 2002-03 through 2006-07. These statistics are presented by mandatory exemptions, discretionary exemptions and other.

Table C – Freedom of Information Statistics by Institution – Applications for General Information

- Table C is a statistical report showing the number of general information requests received by each institution, the action taken on those requests, and the fees collected. If an institution is not listed, it did not receive any general information requests during the 2006-07 fiscal year.

- Applications for general information are requests for records in the possession or under the control of a government institution other than those described as personal information in section 24 of the Act.

Table D – Freedom of Information Statistics by Institution – Applications for Personal Information

- This table is a statistical report showing the number of personal information requests received by each institution, the action taken on those requests, and the fees collected. Again, if an institution is not listed, it did not receive any personal information requests during the 2006-07 fiscal year.

- Applications for personal information are requests for records in the possession or under the control of a government institution described in section 24 of the Act.

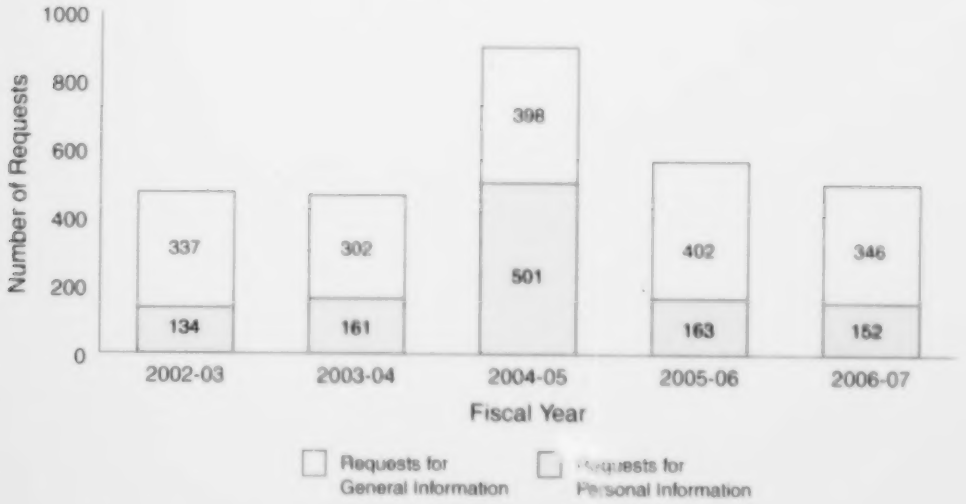
Analysis

Number of Access to Information Requests Processed

In 2006-07, provincial government institutions processed a total of 498 access to information requests – 152 requests for personal information and 346 for general information. This is a slight decrease over the previous fiscal year.

The following chart shows the number of requests processed by government institutions in each of the past five fiscal years. In 2004-05, a single government institution received a large number of requests for personal information, causing the overall government numbers to rise dramatically. For the remainder of the fiscal years, the numbers ranged from 134 personal information requests in 2002-03 to 163 in 2005-06. The number of general information requests fluctuated up and down, with a low of 302 in 2003-04 to a high of 402 in 2005-06.

Number of Access to Information Requests Processed 2002-03 to 2006-07



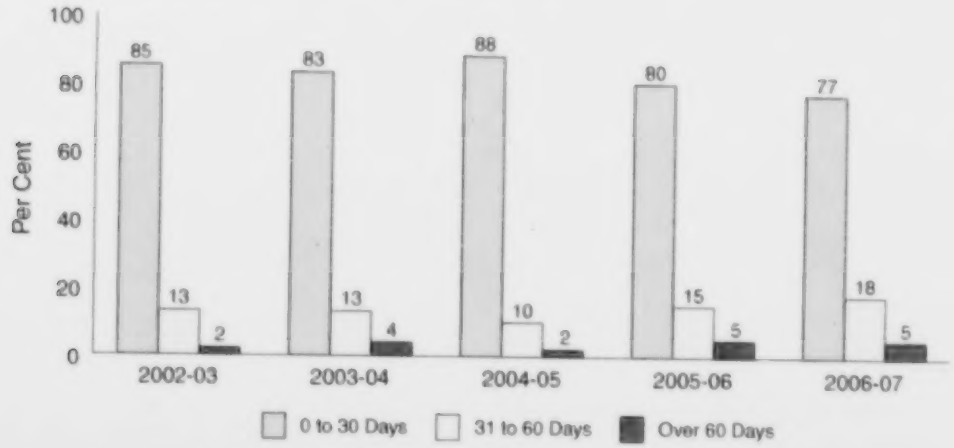
See Tables A, C and D for more details.

Access Request Processing Times

The Freedom of Information and Protection of Privacy Act provides a 30-day time period for responding to access requests. There are provisions in the Act to extend the response time up to an additional 30 days in limited circumstances (outlined in section 12 of the Act).

On average, in the fiscal years 2002-03 to 2006-07, provincial government institutions have responded to access requests within 30 days 82.6 per cent of the time. When combined with the allowable 30-day extension under section 12 of the Act, the average response rate rose to 96 per cent over this same five year period. In 2006-07, government institutions responded within 30 days 77 per cent of the time and within 60 days 95 per cent of the time.

Access Request Processing Times (Personal and General)
2002-03 to 2006-07



See Table A for more details.

Application Outcomes – Personal Information Requests

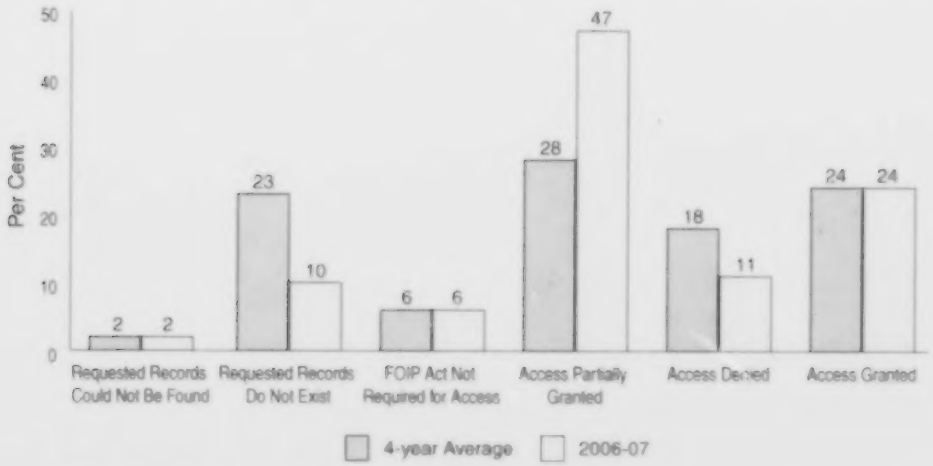
Table A shows the status of applications received by government institutions, including: if access to the records was granted, denied, or partially granted; whether the Act was not required for access; and whether the records did not exist or could not be found.

The following chart shows the outcomes for access to information requests for personal information. This includes the results for the 2006-07 fiscal year and the average of the four previous fiscal years (2002-03 through 2005-06).

In 2006-07, 24 per cent (24.3 per cent before rounding) of access requests for personal information were fully granted, which is virtually the same as the four-year average (23.5 per cent before rounding). The number of access requests partially granted has risen in 2006-07 to 47 per cent. This is a significant increase from the four-year average of 28 per cent. Finally, in the 2006-07 fiscal year, 11 per cent of requests for personal information were fully denied, a decrease from the four-year average of 18 per cent.

It is important to note that in 2004-05, a single government institution received a large number of personal information requests for records which did not exist. This caused the four-year average for this category of responses to reach 23 per cent. This will also impact on other categories.

Application Outcomes (Personal Requests) 2006-07 Compared to 4-year Average (2002-03 to 2005-06)



Note: Numbers are rounded and may not add up to 100 per cent.

See Tables A and D for more details.

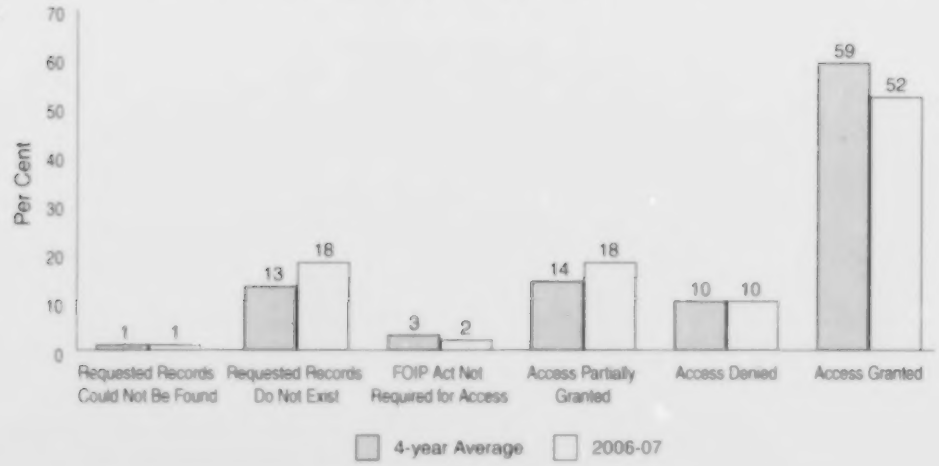
Application Outcomes – General Information Requests

The following chart represents application outcomes for access to information requests for general information. This is broken down by the 2006-07 fiscal year and the average of the four previous fiscal years (2002-03 through 2005-06).

In 2006-07, 52 per cent of requests for general information were fully granted. This is down from the four-year average of 59 per cent. At the same time, the number of access requests fully denied in 2006-07 was only 10 per cent, which remains unchanged from the previous four-year average.

The number of access requests partially granted (18 per cent) and the number of general access requests where the records did not exist (18 per cent) were both higher in 2006-07 than over the previous four years.

Application Outcomes (General Requests) 2006-07 Compared to 4-year Average (2002-03 to 2005-06)



Note: Numbers are rounded and may not add up to 100 per cent.

See Tables A and C for more details.

Appeals to the Information and Privacy Commissioner

Section 49 of *The Freedom of Information and Protection of Privacy Act* provides a right of review to applicants by the Information and Privacy Commissioner:

- where an applicant is not satisfied with the decision of a "Head" ...;
- where a "Head" fails to respond to an application for access to a record within the required time; or
- where an applicant requests a correction of personal information ... and the correction is not made.

Provincial government institutions reported that in the 2006-07 fiscal year, the Information and Privacy Commissioner advised of his intention to review only 29 of the decisions made by government institutions regarding access to information requests.

Further details on these reviews can be obtained from the Information and Privacy Commissioner's Annual Report available at **www.oipc.sk.ca**.

Table A
Freedom of Information Statistical Summary Report
2002-03 to 2006-07

	2002-03 Fiscal Year		2003-04 Fiscal Year		2004-05 Fiscal Year		2005-06 Fiscal Year		2006-07 Fiscal Year	
	Personal	**General**	**Personal**	**General**	**Personal**	**General**	**Personal**	**General**	**Personal**	**General**
Applications Received	145	340	159	372	970	396	176	421	145	396
Plus: Applications Carried Forward from Last Year	7	41	16	19	13	72	480	45	27	41
Less: Applications Withdrawn	2	25	1	17	2	25	466	23	5	28
Less: Applications Carried Forward to Next Year	16	19	13	72	480	45	27	41	14	44
Less: Applications Transferred Pursuant to Section 11	*	*	*	*	*	*	*	*	1	19
Total Applications Processed	**134**	**337**	**161**	**302**	**501**	**398**	**163**	**402**	**152**	**346**
Applications Status										
Access Granted	24	194	48	188	61	233	56	234	37	179
Access Denied	40	38	37	25	25	39	24	38	17	33
Partially Granted	49	47	58	30	39	73	50	61	71	63
Do Not Require FOI for Access	9	11	7	8	11	10	17	14	9	6
Records Do Not Exist	7	47	9	50	361	37	14	52	15	62
Records Could Not Be Found	5	0	2	1	4	6	2	3	3	3
Totals	**134**	**337**	**161**	**302**	**501**	**398**	**163**	**402**	**152**	**346**
Processing Time of Applications Completed										
Processed within 30 Days	108	291	114	272	464	328	117	333	107	274
Processed within 31-60 Days	22	41	30	29	23	63	25	60	27	64
Processed in More than 60 Days	4	5	17	1	14	7	21	9	18	8
Totals	**134**	**337**	**161**	**302**	**501**	**398**	**163**	**402**	**152**	**346**
Total Fees Estimated **	**$ 498**	**$ 20,882**	**$ 45**	**$ 28,861**	**$ 0**	**$ 62,846**	**$ 25**	**$ 76,827**	**$ 7,222**	**$ 39,851**
Total Fees Collected **	**$ 249**	**$ 6,293**	**$ 45**	**$ 93**	**$ 45**	**$ 570**	**$ 2,485**	**$ 1,611**	**$ 45**	**$ 944**

* Applications transferred were not reported separately in previous fiscal years. Prior to the 2006-07 fiscal year, the total number of transferred applications was subtracted from the number of applications received for that fiscal year.

** The total fees estimated can vary significantly from the total fees collected. The total fees estimated is the cost assessed to process applications as determined by the fee structure outlined in the Regulations. The total fees collected refer to fees actually collected from the applicants. The applicant has several options in regard to the fees. The applicant can: modify the application in order to reduce the costs, request a waiver of the fees, or decide not to pay the fees and therefore not receive access to the records. The Regulations (Section 9) are very specific regarding the types of circumstances in which the "Head" can waive fees.

Table B
Exemptions Used to Deny Access
2002-03 to 2006-07

Mandatory Exemptions	*Section*	2002-03 Fiscal Year	2003-04 Fiscal Year	2004-05 Fiscal Year	2005-06 Fiscal Year	2006-07 Fiscal Year
Records from Other Governments	13(1)	12	2	5	3	8
Cabinet Documents	16	14	6	10	10	15
Third Party Information	19	49	41	35	42	67
Confidentiality Provisions in Other Enactments	23	24	26	15	25	30
Disclosure of Personal Information	29	49	42	72	76	110
Personal Information of a Deceased Individual	30	1	2	0	0	2
Totals		**149**	**119**	**137**	**156**	**232**
Discretionary Exemptions	**Section**					
Records from Local Authorities	13(2)	1	1	8	4	1
Information Injurious to Intergovernmental Relations	14	3	0	0	2	1
Law Enforcement and Investigations	15	44	31	21	23	57
Advice from Officials	17	74	44	44	59	71
Economic and Other Interests	18	27	29	18	27	38
Testing Procedures, Tests and Audits	20	0	0	1	1	3
Danger to Health or Safety	21	8	3	2	14	13
Solicitor-Client Privilege	22	10	17	17	32	33
Individual's Access to Personal Information	31(2)	0	0	0	2	1
Totals		**167**	**125**	**111**	**164**	**218**
Other Exemptions	**Section**					
Not a Government Institution	2(1)d	0	0	0	0	0
Published Material or Public Record	3(1)a,b	12	3	10	9	7
Existing Rights Preserved	4	0	0	0	4	0
Right of Access Defined	5	0	0	0	0	0
Unable to Identify a Record	6(3)	0	0	0	0	0
Published Material or Material that is to be Published	7(2)b,c	0	2	1	0	0
Records Do Not Exist	7(2)e	47	57	405*	68	87
Refuse to Confirm/Deny Records Exist	7(4)	2	3	1	0	1
Totals		**61**	**65**	**417**	**81**	**95**

Note: The numbers in these columns indicate every time an exemption was used to deny access fully or in part. The exemption may be used several times in relation to an individual application and more than one exemption may be used for each application.

* The increase to the usage of 7(2)(e) for the 2004-05 fiscal year is attributed to a large number of applications which a department received for records which did not exist.

Table C
Freedom of Information Statistics by Institution – Applications for General Information
2006-07 Fiscal Year

Institution	Applications Carried Forward from Last Year	Plus Applications Received This Year	Less Applications Transferred to Another Institution	Total Applications	Granted	Denied	Partially Granted	Act Not Required	Records Do Not Exist	Records Not Found	Applications Withdrawn	Applications Carried Forward to Next Year	Fees Collected
Advanced Education and Employment	0	3	0	3	3	0	0	0	0	0	0	0	$ 0.00
Agriculture and Food	0	13	0	13	6	3	1	0	0	0	1	2	0.00
Automobile Injury Appeal Commission	0	5	0	5	3	0	1	0	1	0	0	0	0.00
Community Resources	4	18	0	22	4	3	5	1	3	0	5	1	319.00
Corrections and Public Safety	3	16	3	16	6	1	7	0	0	0	0	2	40.00
Crown Investments Corporation	0	4	1	3	3	0	0	0	0	0	0	0	0.00
Culture, Youth and Recreation	0	12	1	11	9	0	1	0	1	0	0	0	0.00
Environment	1	71	1	71	25	1	1	0	33	0	6	5	391.25
Executive Council	0	6	3	3	2	0	0	0	1	0	0	0	0.00
Finance	1	11	2	10	6	1	1	0	1	0	1	0	0.00
First Nations and Métis Relations	0	2	0	2	0	0	0	0	0	0	0	2	0.00
Government Relations	2	5	0	7	1	0	3	0	0	0	0	3	0.00
Health	3	27	1	29	11	3	1	2	2	0	2	8	0.00
Highways and Transportation	2	13	0	15	9	0	2	1	0	3	0	0	76.87
Industry and Resources	0	9	3	6	1	0	0	0	1	0	3	1	0.00
Information Services Corporation	0	1	0	1	1	0	0	0	0	0	0	0	0.00
Investment Saskatchewan	0	13	0	13	5	3	4	0	1	0	0	0	0.00
Justice	1	17	0	18	5	5	3	1	1	0	1	2	0.00
Labour	3	34	1	36	14	4	10	0	6	0	0	2	0.00
Learning	1	2	0	3	1	0	0	0	0	0	0	2	0.00
Liquor and Gaming Authority	2	15	0	17	12	1	1	0	1	0	0	2	0.00
Northern Affairs	0	1	0	1	0	0	0	0	0	0	0	1	0.00

Table C (continued)
Freedom of Information Statistics by Institution – Applications for General Information
2006-07 Fiscal Year

Institution	Applications Carried Forward from Last Year	Plus Applications Received This Year	Less Applications Transferred to Another Institution	Total Applications	Granted	Denied	Partially Granted	Act Not Required	Records Do Not Exist	Records Not Found	Applications Withdrawn	Applications Carried Forward to Next Year	Fees Collected
Property Management	1	11	1	11	5	0	4	0	0	0	0	2	$ 0.00
Public Service Commission	0	6	1	5	2	0	1	0	0	0	1	1	0.00
Sask. Archives Board	0	2	0	2	1	0	1	0	0	0	0	0	0.00
Sask. Financial Services Commission	0	1	0	1	0	0	1	0	0	0	0	0	0.00
Sask. Gaming Corporation	0	4	0	4	2	0	0	0	2	0	0	0	0.00
Sask. Government Insurance	7	9	0	16	6	2	7	0	0	0	0	1	0.00
Sask. Health Information Network	0	1	0	1	0	0	1	0	0	0	0	0	0.00
Sask. Housing Corporation	0	6	0	6	4	0	0	0	1	0	1	0	0.00
Sask. Human Rights Commission	0	1	0	1	1	0	0	0	0	0	0	0	0.00
Sask. Power Corporation	5	24	0	29	12	2	3	0	4	0	4	4	0.00
Sask. Telecommunications	2	11	0	13	8	1	1	0	1	0	2	0	0.00
Sask. Transportation Company	0	3	0	3	2	1	0	0	0	0	0	0	0.00
Sask. Water Corporation	0	2	1	1	0	0	0	0	0	0	1	0	0.00
Sask. Watershed Authority	2	5	0	7	3	0	3	0	0	0	0	1	117.00
SaskEnergy Incorporated	0	8	0	8	4	0	0	0	2	0	0	2	0.00
Wanuskewin Heritage Park Corporation	0	1	0	1	0	0	0	1	0	0	0	0	0.00
Workers' Compensation Board	1	3	0	4	2	2	0	0	0	0	0	0	0.00
Totals	**41**	**396**	**19**	**418**	**179**	**33**	**63**	**6**	**62**	**3**	**28**	**44**	**$ 944.12**

Table D
Freedom of Information Statistics by Institution – Applications for Personal Information
2006-07 Fiscal Year

Institution	Applications Carried Forward from Last Year	Plus Applications Received This Year	Less Applications Transferred to Another Institution	Total Applications	Granted	Denied	Partially Granted	Act Not Required	Records Do Not Exist	Records Not Found	Applications Withdrawn	Applications Carried Forward to Next Year	Fees Collected
Advanced Education and Employment	0	2	0	2	1	0	0	0	0	0	1	0	$ 0.00
Agriculture and Food	0	1	0	1	0	0	1	0	0	0	0	0	0.00
Community Resources	0	17	0	17	1	3	7	6	0	0	0	0	0.00
Corrections and Public Safety	2	18	0	20	0	1	13	0	4	0	1	1	20.00
Crown Investments Corporation	0	1	0	1	0	0	0	0	1	0	0	0	0.00
Farm Land Security Board	0	1	0	1	0	0	0	0	0	0	0	1	0.00
Finance	1	4	0	5	3	0	0	1	0	0	0	1	0.00
Health	0	7	0	7	1	2	1	0	1	0	0	2	0.00
Highway Traffic Board	0	1	0	1	0	0	0	0	1	0	0	0	0.00
Justice	5	14	0	19	2	5	3	1	2	3	2	1	0.00
Labour	0	10	0	10	5	1	2	0	2	0	0	0	0.00
Learning	2	0	0	2	0	0	0	0	0	0	0	2	0.00
Milk Control Board	0	1	0	1	1	0	0	0	0	0	0	0	0.00
Public and Private Rights Board	0	1	0	1	0	0	0	0	1	0	0	0	0.00
Public Complaints Commission	0	1	0	1	0	0	0	0	1	0	0	0	0.00
Public Service Commission	0	1	1	0	0	0	0	0	0	0	0	0	0.00
Sask. Apprenticeship and Trade Commission	0	1	0	1	1	0	0	0	0	0	0	0	0.00
Sask. Crop Insurance Corporation	0	1	0	1	1	0	0	0	0	0	0	0	0.00
Sask. Financial Services Commission	1	1	0	2	1	1	0	0	0	0	0	0	0.00

Table D (continued)
Freedom of Information Statistics by Institution – Applications for Personal Information
2006-07 Fiscal Year

Institution	Applications Carried Forward from Last Year	Plus Applications Received This Year	Less Applications Transferred to Another Institution	Total Applications	Granted	Denied	Partially Granted	Act Not Required	Records Do Not Exist	Records Not Found	Applications Withdrawn	Applications Carried Forward to Next Year	Fees Collected
Sask. Government Insurance	15	47	0	62	14	0	44	0	0	0	0	4	$ 25.00
Sask. Housing Corporation	1	0	0	1	1	0	0	0	0	0	0	0	0.00
Sask. Power Corporation	0	6	0	6	4	0	0	0	0	0	0	2	0.00
Sask. Telecommunications	0	1	0	1	0	0	0	0	0	0	1	0	0.00
Sask. Transportation Company	0	2	0	2	0	2	0	0	0	0	0	0	0.00
SaskEnergy Incorporated	0	3	0	3	1	0	0	0	2	0	0	0	0.00
Workers' Compensation Board	0	3	0	3	0	2	0	1	0	0	0	0	0.00
Totals	**27**	**145**	**1**	**171**	**37**	**17**	**71**	**9**	**15**	**3**	**5**	**14**	**$ 45.00**